

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
NE/S Anne Brent Garth, 430 ft. N c/l of Duddington Way
#8 Anne Brent Garth
10th Election District
6th Councilmanic District
Roger Scott Weinberg, et ux
Petitioners

* BEFORE THE ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-20-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (shed) to be located in the side yard in lieu of the required rear yard and to amend the last approved final development plan of Green Glade Woods, Section II, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as No. 8 Anne Brent Garth, zoned R.C.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to allow an accessory structure (shed) to be located in the side yard in lieu of the required rear yard and to amend the last approved development plan of Green Glade Woods, Section II.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the

requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of August, 1990 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (shed) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

By *JRH/mm*
JRH/mm

-2-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

August 23, 1990



Dennis F. Rasmussen
County Executive

Mr. and Mrs. Roger Scott Weinberg
8 Anne Brent Garth
Jacksonville, Maryland 21131

RE: Petition for Residential Zoning Variance
Case No. 91-20-A

Dear Mr. Weinberg:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mm
encl.
cc: Peoples Counsel

PRACTICAL DIFFICULTY

91-20-A

1. The location of the shed would be in line with the front of the house on the opposite side of the driveway. This is the flattest spot on that side of the property.
2. Placement of the shed in the requested location would still allow water runoff from the lower corner of the driveway into the rear yard.
3. Allowing us to place the shed on the side would allow the family easy access. Our property is too steep to place the shed in the lower portion of our property. The pitch of our property is about 1/3.
4. We don't want to put the shed at the end of the driveway behind the rear house line because:
 - a. The pitch is too steep and water runoff would cause erosion and structural damage to the shed.
 - b. The shed would be too close to the septic area or in it.
 - c. It would require removal of a healthy 200-300 year old oak tree.

COMMENTS

- A) I have obtained approval from the community association and the closest neighbor, Keith and Margaret Brown. See attached letter.
- B) Our property is located on a private road, and the shed would be located about 125 feet from this private road.
- C) There would still be about 50 feet of woods between the shed and my neighbors lawn.
- D) Materials of construction would match existing materials of house and be of quality workmanship (brick to grade, cedar siding and cedar roof, etc.)
- E) There is only a 5 foot utility easement on that side of our property.

Respectfully Submitted,

Roger S. Weinberg

Zoning Description

91-20-A

Beginning at a point West side of Anne Brent Garth 430' north which is 50' wide at the distance of 500' east of the centerline of the nearest improved intersecting Duddington street Duddington Way which is 50' wide. Being Lot 7, Section 2, in the subdivision of Green Glade Woods as recorded in Baltimore County Plat Book 41 Folio 130 containing 4.69 acres. Also known as 8 Anne Brent Garth, Jacksonville Md. 21131 and located in the # 10 Election District.

#10

Baltimore County
Zoning Commissioner
County Office Building
11 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

N. 2944

Date: 7/11/90
PUBLIC HEARING FEES QTY PRICE
VIA - FURNISH VARIANCE (VRL) 1 X \$35.00
OBS - POSTING SIGNS / ADVERTISING 1 X \$25.00
TOTAL: \$60.00
LAST NAME OF OWNER: WEINBERG
CASHIER VALIDATION: 0460480039MICHRC \$60.00
BA C003142PM07-12-90
Please make checks payable to: Baltimore County NEXT BUSINESS DAY

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 10th Date of Posting: 7/21/90
Posted for: Variance
Petitioner: Roger Scott Weinberg, et ux
Location of property: N.E.S. Anne Brent Garth, 430'
N. Duddington Way - 8 Anne Brent Garth
Location of Signs: Along Anne Brent Garth, between S. to W. side
on property of R. S. Weinberg
Remarks: None
Posted by: [Signature] Date of return: 8/5/90
Number of Signs: 7

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1 CSW RSW To permit an accessory building in the side yard in lieu of the required rear yard and to amend the last approved final development plan of Green Glade Woods, Section II.

See attached Sheets

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

ORDERED by the Zoning Commissioner of Baltimore County, this 11 day of July, 1990, that the subject matter of this petition be posted on the property on or before the 1st day of Aug, 1990.

J. Robert Haines
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 11 day of July, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 11 day of July, 1990, at 10 o'clock, A.M.

Account: 7/2/90
Sugg Post - 8/1/90

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 17, 1990

Mr. & Mrs. Roger Scott Weinberg
8 Anne Brent Garth
Jacksonville, Maryland 21131

Re: CASE NUMBER: 91-20-A
ITEM NUMBER: 10
LOCATION: 8 Anne Brent Garth

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 1, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is August 15, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
G. G. Stephens
(301) 887-3391

APPLICATION FOR ARCHITECTURAL & GROUND CHANGES

TO: GREEN GLADES WOODS COMMUNITY ASSOCIATION **91-20-A**

FROM: ROGER & CHERYL WEINBERG Name **91-20-A**
8 ANNE BRENT CARTH Street Address **91-20-A**
592-8045 Home **91-20-A**
337-6986 Work **91-20-A**

DATE: 6-11-1988 **91-20-A**

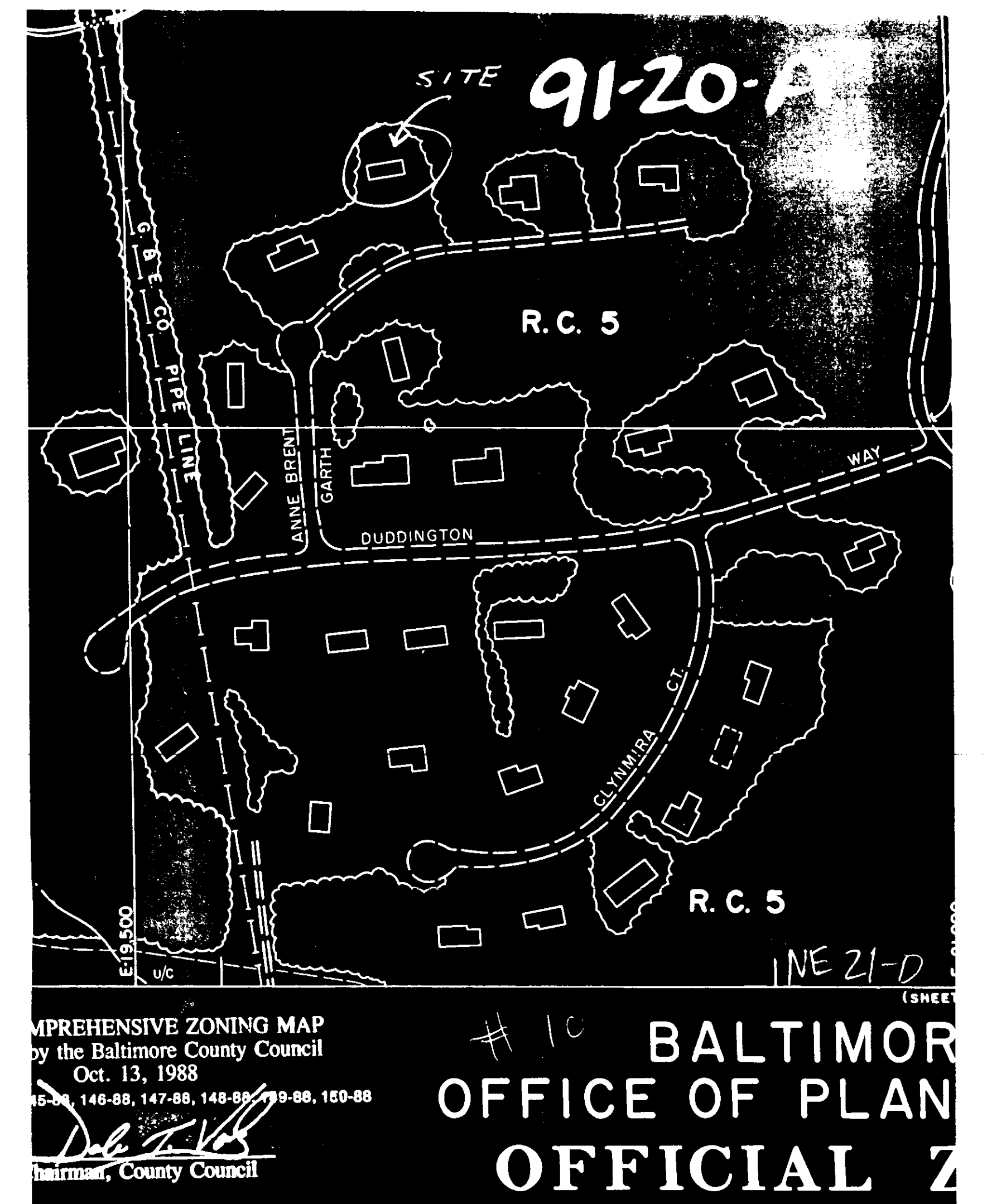
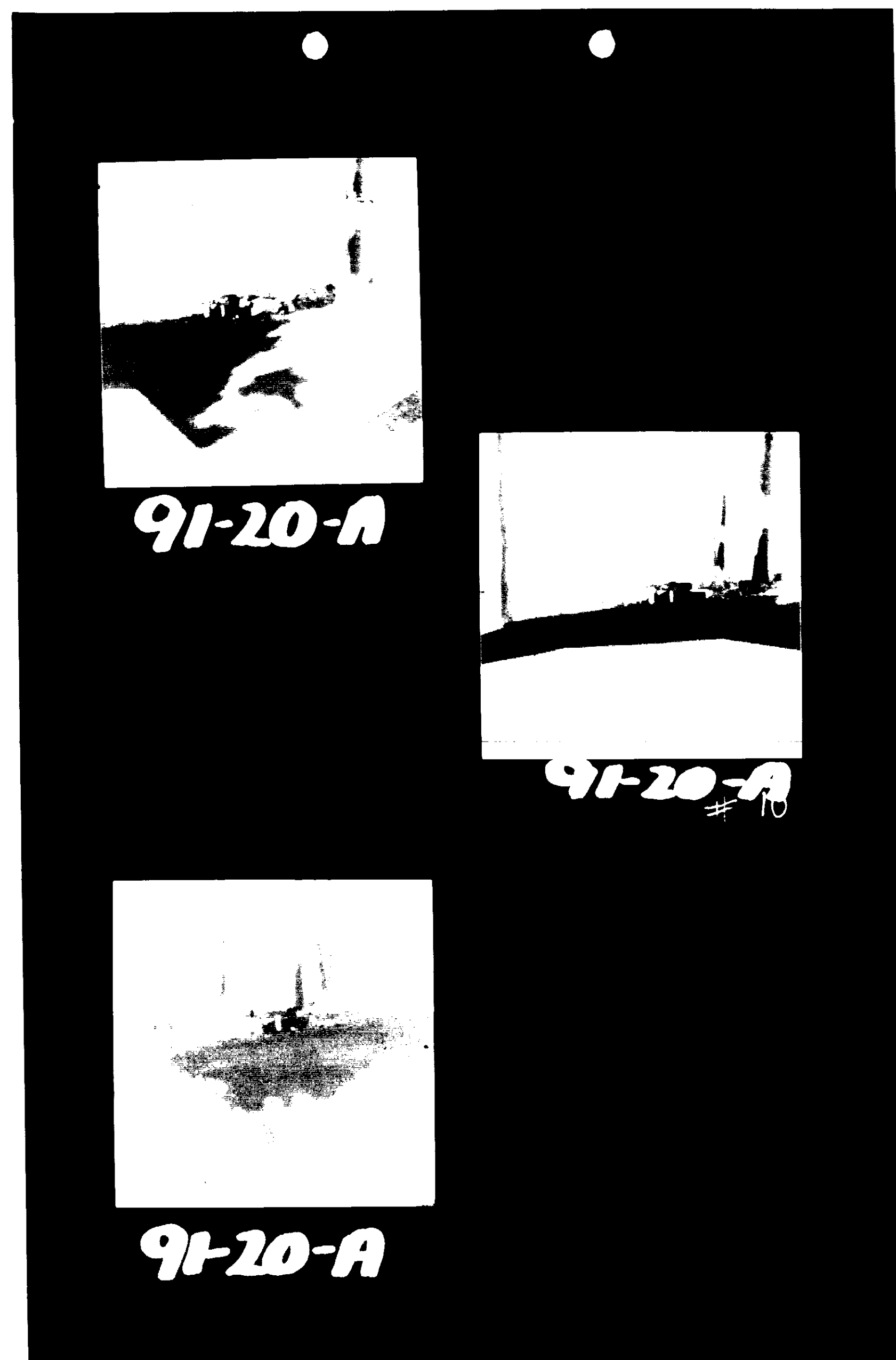
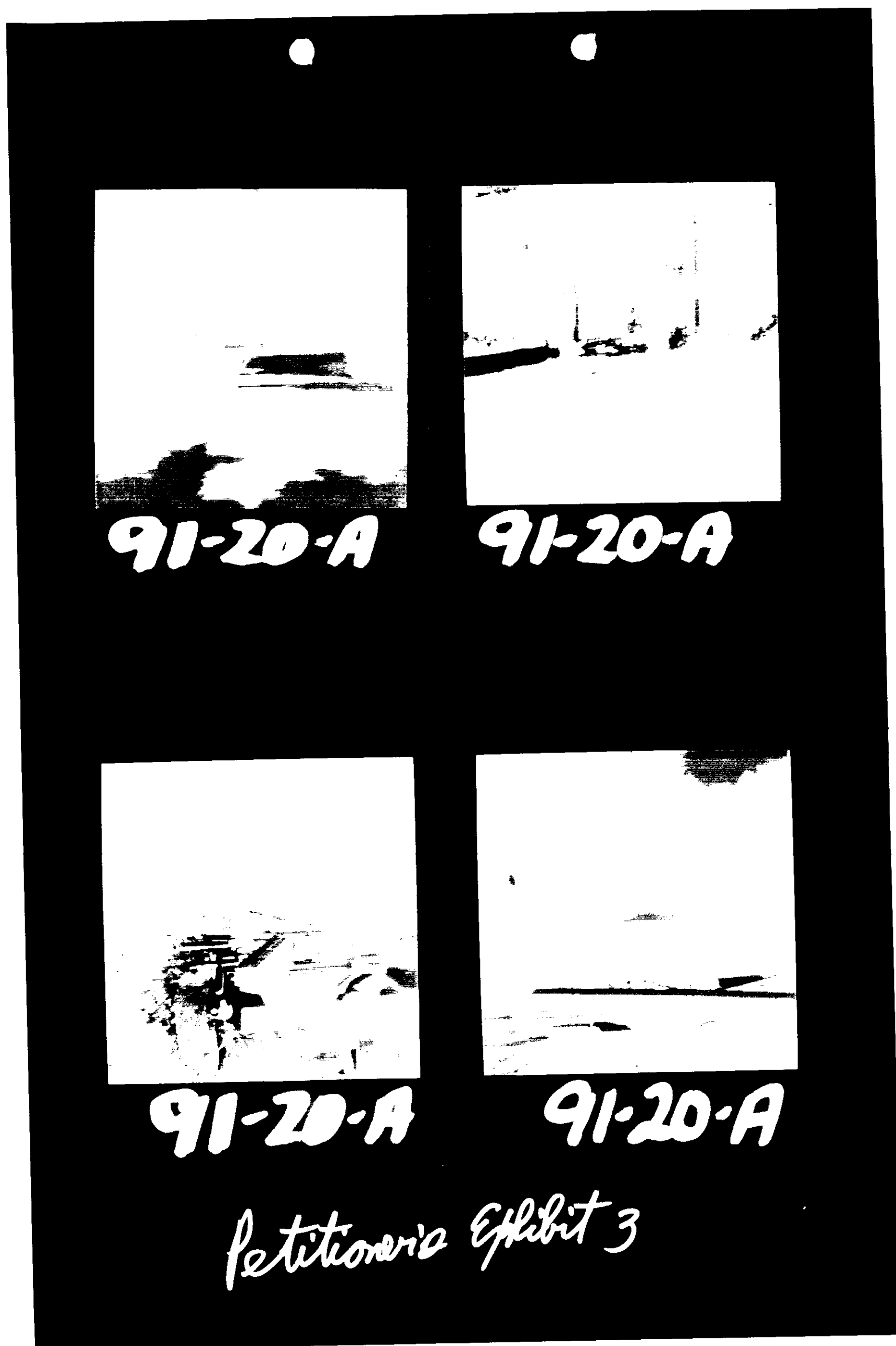
PROPOSED CHANGES:
 Describe (and provide a sketch if possible) the proposed change and/or addition and include descriptive information such as: color, dimensions, materials and location. Submit two (2) copies to any one of the three elected Architectural Committee members. The original will be returned to you to file with your records. The Board of Directors will retain the second copy. You will be contacted for a visitation meeting date by the Architectural Committee. Under normal circumstances within two weeks from date of application.

STORAGE BARN - 20' x 26' - 20'
 BE LOCATED ON EAST SIDE AT BOTTOM OF DRIVEWAY
 (WHERE SANDBOX NOW IS) MATERIALS AND DESIGN PER
 PLANS. CEDAR ROOF SHAKES, CEDAR SIDING, ANDERSON
 WINDOWS AND BRICK TO GRADE TO MATCH MAIN
 HOUSE. STAIN SAME AS MAIN HOUSE.
 SUBSTITUTIONS: CEDAR ROOF & CEDAR SIDING INSTEAD OF
 T-1-11, AND LOFT DOOR TO BE SQUARE, POSSIBLE FRONT
 DOOR SUBSTITUTION (INSTEAD OF SLIDE) ESTIMATED START
 DATE 7-1-88

Request Approved: [Signature] **91-20-A**
 Request Disapproved: [Signature] **91-20-A**

Please be advised that during and after these proposed change(s) are made, the Green Glade Woods Community Association is released for all times from any liability or responsibility for that which was changed. Hereafter, it becomes the home owner's responsibility to maintain, repair, and/or replace the change feature(s).

COMMENTS: THIS NEW BUILDING MUST BE SET BACK FROM YOUR BOUNDARY LINE IN ACCORDANCE WITH SECTION 225, PAGE 11, PARAGRAPH 1, OF SECTION 2 COVENANTS.
I ALSO SUGGEST THAT YOU DISCUSS YOUR APPLICATION COMPLETELY WITH KEITH AND MARGARET BROWN.
W/4/88. Spoke w/ Brown's. all OK! Rg





91-20-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

LOCATION
GREEN GLADE
ROAD

DATE
OF
PHOTOGRAPHY
JANUARY
1986

SHEET
N E
21-0